G.R.S. IX—5]

Previous references.

192

(CB)

File No. 275/22

Serial Nos. 1.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1.

Part B for June 1923

SUBJECT

Request of Mr. Shadakshraffa of Davangere for permission to institute legal proceedings against the Deputy Commissioner Chitaldrug.

To

Mangamahalli Shadakshraffa

No. 5328 Dt 11/6/23

Informs that Govt. see no reason to grant the request of Mr. Shadakshraffa & the petition is rejected.

Printed on the Multigraph.

CB 225-22

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

MEMO.

Any papers available in the Protection or Revenue Branches regarding the request of Mr. Shadakshrappa of Davanger for permission to institute legal proceddings against the Deputy Commissioner of Chitaldrug may be kindly put up immediately (on the 4th June 1923)

Secretariat
Pol & Rev
3/6

I don't think we have any. cas 4/6
cas 4/6

Pub[l]:
There are no papers on the subject in the Pol[n] Branch. The L.S.G.&P.W. may have the same

Rev & L.S.G. Boundaries
with Compts
cas 4/6

No reference in Rev Branch

L.S.G. Branch.
4/6

No refce in the L.S.G.&P.W.
4.6

4 6 1923

Chief Sec:
Secretariat C.B.
5/6

N. B.—Should routine notes be written on small slips, the notes must de copied, or slips pasted on this form.

WD 1880—GPB—1,50,000—25-9-22

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

There is no explanation, there are no prev. reps about this matter in the Sect. Mrs Reynolds to write Dennis for notes

by 6/6

Dennis)

P.S. 12

The papers have with Com note re Hyde and reply re Chas Mayne

need

4

7.1

To be filed

The original petn, the Dy Com's report & Com & extract from Dennis' confidential notes are put up herewith

Reg

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

As draft ltr

Chief Secy will sign

Reg

Received Secy

Secretariat "Secretariat"

a letter for Secretariat

G. R. S. III-2]

General and Revenue Secretariat.

CB File No. 275 of 1922

Serial No.

Dupe endorsement Sheet

11/6/23

11/6

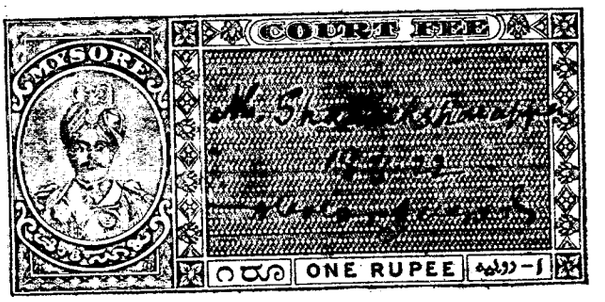
To

Mr. Shadakshrappa, Merchant, Davangere.

No. 5548 dy 11th June 1923

Informs that Govt see no reason to grant his request

NOTE—Contn. sheet.



ಸನ್ಮಾನ್ಯ ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದ ದಿವಾಣಿ ಅಧಿಕಾರವುಳ್ಳ ಪ್ರಧಾನ ಜಿಲ್ಲಾ ನ್ಯಾಯಾಧೀಶರವರ ಮೂಲಕ ಸನ್ಮಾನ್ಯ ಹೈಕೋರ್ಟ್ ಆಫ್ ಮೈಸೂರ್ ಅಟ್ ಬೆಂಗಳೂರ್ ಇವರ ಸಮಕ್ಷಮಕ್ಕೆ

ದಾವಣಗೆರೆಯಲ್ಲಿ ಈಗ ವಾಸವಾಗಿರುವ ಅರ್ಜಿದಾರರಾದ ಕೆ. ಶಿವಮೂರ್ತಪ್ಪ ಬಿನ್ ಕೆ. ಕರಿಬಸಪ್ಪ ಇವರು ಸಲ್ಲಿಸುವ ಅರ್ಜಿ

ವಿಷಯ ಪಟ್ಟಿಯ ಕ್ರಮ ಸಂಖ್ಯೆ — 16/8/22

೧ನೇ ಪ್ರತಿವಾದಿಯವರು ಹಾಜರಾಗಿ ಪ್ರತಿವಾದ ಮಾಡಿದ್ದು ೨ನೇ ಪ್ರತಿವಾದಿಯವರು ಹಾಜರಾಗಿ ಪ್ರತಿವಾದ ಮಾಡಿರುವುದಿಲ್ಲ. ದಾವಣಗೆರೆಯಲ್ಲಿರುವ ಸ್ಥಿರಾಸ್ತಿಯನ್ನು ಮಾರಾಟ ಮಾಡಿಕೊಡುವಂತೆ ಕೋರಿ ಸಲ್ಲಿಸಿರುವ ಈ ಮೂಲ ದಾವೆಯಲ್ಲಿ ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯಲ್ಲಿ ಕೋರಿರುವಂತೆ ಸದರಿ ಸ್ಥಿರಾಸ್ತಿಯನ್ನು ಮಾರಾಟ ಮಾಡಿಕೊಡಲು ಆದೇಶ ಮಾಡಿದಲ್ಲಿ ಸದರಿ ಸ್ಥಿರಾಸ್ತಿಯನ್ನು ಮಾರಾಟ ಮಾಡಿಕೊಡಲು ಸಿದ್ಧವಿರುವುದಾಗಿ ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯಲ್ಲಿ ತಿಳಿಸಿರುವುದಾಗಿ ಹಾಗೂ

ಸಿ.ಆರ್.ಪಿ.ಸಿ. ಕಲಂ 164 ರಡಿಯಲ್ಲಿ ಮಾನ್ಯ ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕ ಸರ್ಕಾರಿ ಅಭಿಯೋಜಕರು ಇವರ ಮುಂದೆ ಹೇಳಿಕೆ

ನಾನು ಮೇಲ್ಕಂಡ ಆರೋಪಿಯು ಈ ದಿವಸ ಮಾನ್ಯ ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕ ಸರ್ಕಾರಿ ಅಭಿಯೋಜಕರು ಇವರ ಮುಂದೆ ಹಾಜರಾಗಿ ಸ್ವಇಚ್ಛೆಯಿಂದ ಈ ಕೆಳಕಂಡಂತೆ ಹೇಳಿಕೆ ನೀಡಿರುತ್ತೇನೆ.

Confidential

D.O. 99 Cc 3.

Office of the Deputy Commissioner,
Chitaldrug District.
Dated Chitaldrug 13th November 1922.

From

A.K.Syed Taj Peeran, Esquire, B.A.,
Deputy Commissioner,
Chitaldrug District.

TO

K.V.Anantharaman, Esquire, B.A.,
Private Secretary to the Dewan of Mysore,
BANGALORE.

Sir,

With reference to your D.O.letter No dated the 12th October last and subsequent reminder dated the 4th instant desiring me to send up for the Dewan's perusal the records relating to the ordering of prosecution of Mr.M.Shadaksharappa under the Motor Regulation, I have the honor to submit the records of this office as well as those of the Amildar Magistrate and to state as follows:-

2. From the Office Note(Flag 1) accopmpanying the records, it will be observed that the Judicial Head Munshi who had accompanied Mr.C. Venkata Rao to Davangere came to know that Mr.Shadaksharappa owned a car, when it was requisitioned by Mr.C.Venkata Rao.Subsequently in the return submitted by the Taluk Police, it was noticed by the Revenue Head Munshi that a mention was made about this car, but there was no reference in the register of the Judicial branch of the District Magistrate of the number of this car and the granting of a license. At the instance of the Judicial Head Munshi, an order was issued from the office above the signature of the Treasury Assistant Commissioner to the Police to report, if this car had been registered in Mysore according to the rules in force, and if so, what the number was and who was the driver and so on

3. I was not aware of this correspondence; eventually when it

was reported that the car had been owned by this gentleman for over 4 years and that it had not been registered, the papers were submitted for my orders. In the usual discharge of work, I ordered that the owner might be prosecuted. and that the Inspector-General of Police be requested to obtain the explanation of Mr. Dunning for not taking steps to notice this ommission. This order is dated 17th April 1922.

4. On the 27th April, when I went to Davangere in connection with the Excise sales, I remember Messrs Shadaksharappa and Onkarappa seeing me and praying to be excused, as the latter gentleman explained that he was not aware of the rules.

5. On the 8th May 22, the Assistant Superintendent of Police while submitting a petition from the party addressed to the Inspector-General recommended that the prosecution be withdrawn as the car was out of gear. The District Superintendent of Police submitted this petition to be forwarded to the Inspector-General. Shortly after this, I had to go to Davangere in connection with the conference of Karnataka Parishat, as some trouble was anticipated by the Lingayats who adopted the policy of non-cooperation. The Assistant Superintendent of Police had a talk with me that the feelings between the Brahmins and Ligayats were very bitter and that it is alleged that the car was taken for the use of Mr. Balasundaram Iyer though it was not in working order, he urged for the withdrawing of the prosecution. I consulted Mr. R. Shama Rao, the District Superintendent of Police who had then accompanied me in the matter. He said that Mr. Shadaksharappa had taken a prominent part in preventing the Lingayats from taking part in the Parishat, but he hastened to assure that that alone should not be the ground for not withdrawing the prosecution and he added that the party ought to approach the District Magistrate and not make allegations against Government Officers.

6. In the meanwhile, I had sent the report of the Assistant Superintendent of Police to the District Superintendent of Police with the observation that he should state his opinion, whether on the grounds given by the Assistant Superintendent of Police, the order

of prosecution might be withdrawn. After I had a personal talk with the District Superintendent of Police, I received his report marked "F". Neither officer mentioned the substance of the allegations contained in the petition in their report. After going through the report of the District Superintendent of Police, I remembered of the interview, which Mr. Shadaksharappa had with me at Davangere and having regard to the strained feelings then existing between the two communities and also considering that the car was reported to be out of order, I decided to accept the recommendation of the Assistant Superintendent of Police and direeted that the car could not be registered until it was set right and that it should not be used by the owner.

7. As the Dewan might be aware of the local conditions at Davang-gere, just at the time when the Parishat was in session, the tension between the Lingayats and the Brahmins was very great. I anticipated that there would be unnecessary sensation, if the prosecution would be pushed forward. As it was reported that the car was not in working condition, I used my discretion, as suggested by the District Superin--tendent of Police in his report and cancelled my order.

8. At once an article appeared in the Truth" paper, drawing attention to these proceedings and suggesting that the records might be sent for. The District Superintendent of Police lost no time in approaching the Inspector General of Police requesting him for instructions ~~to move the Hon'ble Chief Court to cancel my order~~, as I had taken an erroneous view of law. (Vide Letter forwarded (L) The Inspector General of Police returned the records observing that he was not quite justified to appeal against the order passed by the Deputy Commissioner. Vide Flag "L" The District Superintendent of Police wanted the records back for submission to the District Magistrate, but he submitted the same to the Inspector General of Police which were returned to him with the above observa--tion. When the plan of creating some sort of sensation failed, some attempts I understand were made to set up Mr. Shadaksharappa to petition to Government that he was unnecessarily molested. I am not aware whether he submitted any petition or not. If he has submitted any petition, I can only say that he has acted most imprudently,

as he played into the hands of the mischief-mongers instead of being grateful to me.

9. As regards the allegation that I was present when the car was disabled at Harihar and knowing this,I ordered the prosecution, I emphatically say that it is false. I was busy at the conference and I did not know that Mr. Balasundaram Iyer went by trolly.I was told that a car had been in readiness and I was under the impression that he might have travelled in the car.There was no such necessity for me to send word to Mr. Shadaksharappa with Mr. Davood for getting his car for the use of Mr.Balasundaram Iyer. So far as I am aware,it was suggested to Mr Balasundaram Iyer to go in the side-car of the Maramat Engineer,if he intended visiting Davangere.With regard to the allegation that Mr Davood persuaded him to send the car by informing him that I wanted,so that Mr.Balasundaram Iyer and myself might use it,I forward the letter of Mr.Davood marked "9" for your information,which speaks for itself.

10. Before concluding,I beg to point out that,eversince I came to this District,a clique has been working against me.It was unfortu--natethat I was posted at a time when the relationship between the Brahmins and Non-brahmins in this District in particular were very much strained. I am a non-Hindu.and all communities are alike to me. I fear that it was construed in some quarters that Iwas the cause of disturbing Mr.C.Venkata Rao and that I was sent in compliance with the agitation set up by some people.

11. This clique (which perhaps includes one or two officers even) had been actively engaged in misinterpreting every act of mine and a phase of it might have come to the knowledge of the Dewan in his last tour. The campaign commenced by their sending anonymous peti--tions,publishing groundless allegations in the local newspaper and finally by setting up a few persons whose personal interest might have suffered by no special favor having been shown to them in the course of official business to carry unfounded tales to the authorities.I know the whole situation and I can gauge the public feelings being a man on the spot " holding all the strings in my hand" I can assure that I- cancelled the order with the best of intentions

5 (10

and for promoting harmonious relations between the several communities and as the party had apologised for his omission to get t the car registered and also because I was told that the car was not being used. I am above party feelings in my relations with the public.

I have the honor to be,

Sir,

13/11/22.

Your most obedient servant

Deputy Commissioner,

Chitaldrug District.

R/cor.do 2099

Office of the Deputy Commissioner,

Chitaldrug District.

Dated Chitaldrug 21st November 1922.

Dear Sir,

In continue of my letter No 99 dated 13th Nov 22 I send herewith for information a copy of a letter dated the 13th instant received from Mr. C.Mahomed Davood, Head Master, High School, Davangere refering to his strained relationship with Mr. Maganahally Shadaksharappa.

Yours sincerely

H.V.Anantha raman, Esquire, B.A.B.L.,

Private Sceretary to the Dewan of Mysore,

B A N G A L O R E.

Letter dated 13th November 1922 from Mr. Mahomed Davood, Head Master High School, Davangere to the Deputy Commissioner, Chitaldrug District.

"In the detailed account I gave you of what transpired between myself and Mr. Maganahally Shadaksharappa in connection with the Census work I regret to have to bring to your kind notice an instance of what might be deemed a confusion of issues, which I hasten to rectify now. The fact is that charge of the Census records was handed over to the Municipality long ago and I had not any papers with me to satisfy myself about matters of detail -relating to the incident.

It was in connection with the regular census work that Mr. Shadakshara ppa behaved so strangely with me, as appearing from the corrrespondence recently obtained and which I sent to you for kind perusal and return. It is then that he gave the statement re his biliousness, apologies &ca

The accusation of me referred to in my previous report must have been just a little prior or subsequent to the above and I thought it was on this that his statement was obtained in court. I now see that I have not taken any notice of his undue accusations before the Sub--Division Officer and Municipal members due probably to the futility of such dealings with a person who was so hasty to give offence and also ever prepared to square up or apologise when necessary.

May I request you to kindly treat this as a supplement to the report I sent you to Harihar along with the census correspondence forwarded for reference and return."

"C o p y"

Deputy Commissioner,

Chitaldrug District.

21/11/22.

STAMPED

(13

Petition of Maganhalli Shadaksharappa dated the 15th August 1922.

****

All the original records received with Dy Comrs Report (attached) were returned with Private Secy's D.O. No. 822 d. 3-1-23.

When the Deputy Commissioner of Chitaldrug asked me through the Davangere Police officer whether the motor car I had for my private use, was registered, I replied that the car had been registered in the Bombay Municipality (for touring throughout India) as No.6230 dated the 13th December 1917, that my driver also possessed a driving certificate. I added that the car was at the time in disrepair.

Needful ackn had also been instituted before the I.G. of Police and the Deputy Commissioner in the matter of getting the car registered in the Mysore State. Vide No.751/18-19 dated the 26th March 1919.

The Dy. Commissioner without looking into the records, ordered my prosecution before the 2nd class Magistrate of Davangere for not registering my motor car. Later, he ordered the withdrawal of the case against me for reasons unknown to me. On 21st June 1922, I applied to the 2nd class Magistrate of Davangere for a copy of the withdrawal order. On this, he replied that the order was not available in the records of his office. I then applied on the 29th June 1922, to the Dy. Comnr. for a copy and also presented 2 sheets of copying paper. The Dy. Comnr. returned my application and the copying sheets with an endorsement stating that the withdrawal order was a departmental order and that a copy thereof could not be granted; but that if a copy of the final order was required, I might apply to the Court concerned.

As I wish to proceed against the Dy. Commissioner for having caused me annoyance without reason and lowered my prestige and damaged my credit, As a copy of the order is required for the above purpose, I pray that the records connected with the case may be kindly obtained and perused

and copies of the orders directing the withdrawal of the case against me, duly granted to me. Permission may also be accorded to me to institute proceedings against the Deputy Commissioner.

****

From,

Maganahalli Shadakharappa,

Merchant,

DAVANGERE.

To,

The Dewan of Mysore,

BANGALORE.

Respected Sir,

I most humbly beg to invite your kind attention to my two applications dated 16-8-1922 and 7-10-1922 respectively, in the matter of taking proper Legal steps against the Deputy Commissioner of Chitaldroog District, Chitaldroog, I feel sorry to note that nothing has been issued in the matter as yet. Hence, I beg to request you once more to kindly issue necessary instructions inthe matter reffered to in the above two applications within a week after the receipt of this application. In the meanwhile, I beg to state that I would be compelled to take further Legal steps should my requests be not complied with early.

Believing that my requests will be complied with, and earnestly soliciting the favour of a favourable reply in the matter by the next Mail,

I have the honour to be,

Respected Sir,

Your most obedient Servant,

(SD.) Maganahalli Shadakharappa.

Dated 31st May 1923.

Dated 31st May 1833.

(Sd.) Nagumopoli Bhadrakharappa.

Your most obedient Servant,

Respected Sir,

I have the honour to be,

a favourable reply in the matter by the next Mail.

complied with, and hereby solicit the favour of

Soliciting that my request may be -

should in future be not complied with early.

I would be compelled to take disagreeable steps -

this application in the meantime I beg to state that

two applications which I have made after the receipt of -

instructions during which related to the Khata -

pos to redress this grievance in Family there happened

-ceiving the Letter above referred to I beg to state that

Local stood against the Deputy Commissioner of Chitta-

1-12-1832 respectively in the matter of levying Proper

ntention to my two applications dated 18-8-1832 and -

I most humbly beg to invite your kind

Respected Sir,

To,

The Dewan de Mysore,

Bangalore.

Merchant

Nagumopoli Bhadrakharappa,

Broker.

Confidential portion of the Dewan's first Provincial tour in the Kolar, Tumkur and Chitaldrug Districts.

X X X

In the case of a prosecution ordered in the ordinary course of business against a Lingayet gentleman for having owned a motor car without getting it registered under the Motor Vehicles' Regulation, the Deputy Commissioner subsequently cancelled the order without any proper reason. In connection with this incident, records of which have been perused, it is clear that if the first notice was justified in point of fact, there was no justification for the cancellation of the order. The explanation given by the Deputy Commissioner for the cancellation was that he ordered the same, with the best of intentions, for promoting harmonious relations between the several communities. But it does not appear what the case had got to do with the Brahmin and Non-brahmin feeling in the district which he refers to in one of the paragraphs of his explanation.

'Extract'

6

(17

Inward B

No 5548 D
CS 275-22-1

To Manigavahalli
Shadakshariappa
Merchant
Davangere

With Reference to ~~your~~ his petition ~~dt~~ of the 4th ~~Inst~~ addressed to the ~~Hon~~ Assistant ~~Collector~~ dt. 8th May 1923 praying permission to take legal action against ~~him~~ the Secretary ~~of this~~ Municipality ~~for having caused him annoyance~~ ~~and loosed his prestige & damaged his Credit~~, I am ~~directed~~ informed that ~~his Petition~~ cannot be granted ~~his~~ Request. The petition is accordingly rejected. So ~~I~~ informed.

in connection with the case above mentioned the petitioner is not entitled to

Hmr 21/5/23